

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

WP(C).No. 34162 of 2006(P)

OS..455/2003 of SUB COURT,THRISSUR

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PETITIONER:

RAFFI @ RAPHAEL, S/O.DEVASSY,
PONMANI HOUSE, S.N.PARK, P.O.POOTHOLE,
THRISSUR DISTRICT.

BY ADV. SRI.R.RAMADAS

RESPONDENTS:

1. FRANCIS, S/O.PONMANI PAILI,
THRISSUR TALUK, ARANATTUKARA VILLAGE,
S.N.PARK DESOM, THRISSUR DISTRICT.
2. BIJU, S/O.PONMANI CHAKKUNNI,
DO. DO.
3. JESSY, W/O.LATE PONMANI FRANCIS,
DO. DO.
4. TREESA, D/O.LATE PONMANI FRANCIS,
DO. DO.
5. DAVIS JOSEPH, S/O.LATE PONMANI FRANCIS,
DO. DO.
6. PAUL VARGHEESE, S/O.LATE PONMANI
FRANCIS, DO. DO.
7. JOSE, S/O.LATE PONMANI DEVASSY,
DO. DO.
8. ANTO, S/O.LATE PONMANI DEVASSY,
DO. DO.
9. ELSI, D/O.LATE PONMANI DEVASSY,
DO. DO.

10. TESSI, D/O.LATE PONMANI DEVASSY, DO. DO.

11. JOLY, S/O.LATE PONMANI DEVASSY,
DO. DO.

12. SHERLY, D/O.LATE PONMANI DEVASSY,
DO. DO.

13. LINET, D/O.LATE PONMANI DEVASSY,
DO. DO.

14. RAJU, S/O.MARY, DO. DO.

15. SABU, S/O.MARY, DO. DO.

16. JOYSON, S/O.MARY, DO. DO.

17. BENNY, S/O.MARY, DO. DO.

18. MELVIN, D/O.MARY, DO. DO.

19. JOSEPH, S/O.PAILY, DO. DO.

20. MARIYAMMA, D/O.PAILY, DO. DO.

21. REETHAMMA, D/O.PAILY, DO. DO.

22. OMANA, D/O.PAILY, DO. DO.

23. MARY, W/O.CHATHUNNI, DO. DO.

24. RAJAN, S/O.CHATHUNNI, DO. DO.

25. SHAJAN, S/O.CHATHUNNI, DO. DO.

26. DIXON, S/O.CHATHUNNI, DO. DO.

27. BAIJU, S/O.CHATHUNNI, DO. DO.

28. VALSA, D/O.CHATHUNNI, DO. DO.

29. DALY, D/O.CHATHUNNI, DO. DO.

30. SOBHA, D/O.CHATHUNNI, DO. DO.

31. JANCY, D/O.CHATHUNNI, DO. DO.

BY //

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21/12/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

W.P.(C) .NO. 34162 OF 2006

Dated 21st December 2006

JUDGMENT

Petitioner is seventh defendant in O.S.455/03 on the file Sub court, Thrissur. Respondents 1 and 2 are plaintiffs and other respondents are other defendants. Suit is filed claiming partition of plaint schedule property. Petitioner contended that deceased had executed a will which was disputed by plaintiffs. That will was also subject matter of another suit which was challenged before the Sub court, Thrissur in A.S.461/94. Case of petitioner was that sub court had entered a finding on the genuineness of the will in A.S.461/94 and it is same question that is to be decided in the present suit and learned Sub Judge is not disposing the suit even though a finding was rendered in A.S.461/94. This petition is filed under Article 227 of Constitution of India seeking a direction to Sub court to dispose of O.S.455/03, as expeditiously as possible.

2. Learned counsel appearing for petitioner was

heard. Learned counsel submitted that in O.S.455/03 all the steps are over and suit is ripe for trial. If that be so, Sub court, Thrissur is directed to dispose O.S.455/03 as expeditiously as possible and at any rate within six months from the date of receipt of copy of this judgment.

Writ petition is disposed of.

**M.SASIDHARAN NAMBIAR,
JUDGE.**

uj.